

Pat App. S/N 09/833,956

Lin-Hendel 9

**REMARKS**

Consideration of the amendments to the application is respectfully requested. The response is made pursuant to 37 C.F.R. 1.121. No new matter has been entered.

**Status of Claims**

Claims 18-37 are pending in this application.

Claims 1-17 have been cancelled.

Claims 18-37 have been added. Claims 18 and 34 are independent.

**Drawings**

Regarding paragraphs 2-3 of the Office Action, the Examiner objected to the drawings under 37 CFR 1.83(a). Specifically, the Examiner identifies that the "means for simultaneously conducting a search" is not shown in the drawings. The "means" in the other claims were also identified.

New claims have been added to positively claim a "method" which is described in the specification and illustrated in the flowchart of FIG. 1. Claims 1-17 have been cancelled.

Accordingly, in view of the amendments to the claims, the objection to the drawing should be withdrawn.

**Specification**

Regarding paragraph 4 of the Office Action, the Examiner objected to the specification for failing to provide proper antecedent basis for the claimed subject matter.

Pat App. S/N 09/833,956

Lin-Hendel 9

Claims 1-17 have been cancelled.

New claims have been added to positively claim a "method" which is described in the specification and illustrated in the flowchart of FIG. 1. The method has been written to include positive present tense action steps.

Accordingly, in view of the amendments to the claims, the objection to the specification should be withdrawn.

### **Claims**

#### **Rejection under 35 U.S.C. 101**

Regarding paragraphs 5-6 of the Office Action, the Examiner rejects claims 1-17 under 35 USC 101 "because the claimed invention is directed to non-statutory subject matter."

The new claims positively claim a "method" which produces a "useful, concrete, tangible result" through the purchase of items online.

Accordingly, in view of the amendments to the claims, the rejection of the claims under 35 USC 101 should be withdrawn.

#### **Rejection under 35 U.S.C. 112, 2<sup>nd</sup> para.**

Regarding paragraphs 7-8 of the Office Action, the Examiner rejects claims 1-17 under 35 USC 112, 2<sup>nd</sup> para. Claims 1-17 have been cancelled.

Accordingly, in view of the amendments to the claims, the rejection of the claims under 35 USC 112, 2<sup>nd</sup> para. should be withdrawn.

Pat App. S/N 09/833,956

Lin-Hendel 9

**Rejection under 35 U.S.C. 102(e) as being anticipated by  
Voorhees et al. (US 5,864,845)**

Regarding paragraphs 9-19 of the Office Action, the Examiner rejects Claims 1-17 under 35 USC 102(b) as being anticipated by Voorhees et al. Applicant has cancelled Claims 1-17 and added new Claims 18-37. Claims 18 and 34 are independent. The new claims are directed to a "method for conducting on-line commerce."

**Applicant's Invention**

Applicant's invention is directed to a method for conducting commercial transactions over the Internet, whereby a shopper can simultaneously search for a plurality of items on a plurality of websites in a single search. The shopper specifies the items of interest to be searched and can also specify and/or exclude websites to be searched. In addition, the system searches a selectively alterable set of default websites. To use the invention, the shopper enters a list of items in response to a series of prompts. The system then simultaneously searches for all of the specified items on the default sites and those specified by the shopper. Information regarding the items retrieved as a result of the search is then displayed for viewing by the shopper. The shopper can simultaneously purchase selected ones of said items. (Emphasis added)

New Claim 18 reads as follows:

18. *A method for conducting on-line commerce, comprising the steps of:*

*enabling a shopper to selectively designate a list of a plurality of items;*

*searching for all items simultaneously in said list on a plurality of data sources;*

*displaying information found regarding said all items; and*

Pat App. S/N 09/833,956

Lin-Hendel 9

*purchasing on-line said all items or some items in said list.*  
(Emphasis added)

Voorhees **does not** teach the above emphasized claim language. More specifically, Voorhees does not teach or suggest designating a list of items and searching for all items in the list simultaneously. Contrary to Applicant's invention, Voorhees searches on a single text string, as disclosed in column 2, lines 18-22. Furthermore, Voorhees is directed to multiple searches being combined into a single list. Voorhees creates vector queries from the query text and find similarities between query vectors, as disclosed in column 3, lines 1-8.

Claims 34 is more specific than claim 1. Therefore the same comments related to Voorhees in relation to Claim 1 equally apply to Claim 34.

In view of the foregoing remarks, new Claims 18 and 34 are allowable over Voorhees and the corresponding rejection under 35 USC 102(b) should be withdrawn. Since Claims 19-33 and 35-37 depend from independent Claims 1 and 18, respectively, then for the same reasons set forth above with regard to Claims 1 and 18, these dependent claims are also allowable over Voorhees and the corresponding rejections under 35 USC 102(b) should be withdrawn.

Pat App. S/N 09/833,956

Lin-Hendel 9

**CONCLUSION**

In view of the foregoing remarks and amendments, the Applicant believes that they have overcome all of the examiner's basis for rejection, and that this application therefore stands in condition for allowance. However, if the Examiner is of the opinion that such action can not be taken, the Applicant requests that he contact their undersigned attorney at (908) 654-8000 in order to resolve any outstanding issues without the necessity of issuing another Office Action.

Respectfully submitted,



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Dated: May 24, 2004  
Westfield, New Jersey

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that on May 24, 2004, I caused an Amendment to U.S. Patent Application Serial No. 09/833,956 to be sent by facsimile to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Jean-Marc Zimmermann